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Attorneys for Defendant  
WESTERN BULK CARRIERS KS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AUCKLAND SHIPPING COMPANY LONDON,	:	07 CIV 4139 (CM)
	:	
Plaintiff,	:	<b>VERIFIED</b>
	:	<b><u>ANSWER</u></b>
- against -	:	
	:	
WESTERN BULK CARRIERS KS,	:	
	:	
Defendant.	:	
-----X		

Defendant, WESTERN BULK CARRIERS KS (hereafter referred to as “WBC” or “Defendant”), by its attorneys, LENNON, MURPHY & LENNON, LLC, answering the Complaint propounded by Plaintiff, AUCKLAND SHIPPING COMPANY LONDON (hereafter referred to as “Auckland” or “Plaintiff”) dated May 29, 2007, respectfully shows to the Court and alleges upon information and belief as follows:

1. Denies that this is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure or within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Denied.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint and leaves the Plaintiff to its proof.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint, except admits that that the referenced exhibit was sent, but denies knowledge or information sufficient to form a belief as to whether the referenced exhibit is a true and accurate copy, and leaves the Plaintiff to its proof.

12. Admitted.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint, except admits that Auckland has denied WBC's hire statement is correct, which denial WBC has rejected, but denies knowledge or information sufficient to form a belief as to whether the referenced exhibit is a true and accurate cop, and leaves the Plaintiff to its proof.

14. Admits that WBC made the referred to deduction from hire but denies that the same was incorrect, erroneous or unlawful in any manner.

15. Denied.

16. Denied.

17. Denied.

18. Admits that a London arbitration is ongoing between the parties but, except as so specifically admitted, denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 18.

19. Admits that English law provides for recovery of interest, expenses and reasonable attorney's fees but denies that AUCKLAND is, or will be, entitled to recover the same within the pending London arbitration.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint.

21. Denied.

22. Denied. [erroneously listed as Para. 15 in Plaintiff's Complaint].

23. Admits that all disputes arising between the parties are to be resolved at London arbitration but, except as so specifically admitted, denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 23. [erroneously listed as Para. 16 in Plaintiff's Complaint].

#### **FIRST AFFIRMATIVE DEFENSE**

24. Plaintiff's Complaint fails to state a maritime cause of action for which relief can be granted pursuant to Supplemental Rule B and thus the Complaint should be dismissed.

#### **SECOND AFFIRMATIVE DEFENSE**

25. This Court lacks personal jurisdiction over WBC.

#### **THIRD AFFIRMATIVE DEFENSE**

26. This action should be dismissed on the grounds of improper venue.

**FOURTH AFFIRMATIVE DEFENSE**

27. This action should be dismissed on the grounds of *forum non conveniens*.

**FIFTH AFFIRMATIVE DEFENSE**

28. Improper and insufficient service of process on this answering Defendant.

**SIXTH AFFIRMATIVE DEFENSE**

29. Plaintiff has failed to properly mitigate its damages.

**SEVENTH AFFIRMATIVE DEFENSE**

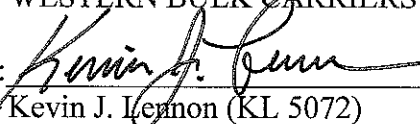
30. The action must be stayed pending the outcome of London arbitration.

**WHEREFORE**, the Defendant, WESTERN BULK CARRIERS KS, prays that this Honorable Court enter judgment in favor of the answering Defendant against the Plaintiff, dismissing Plaintiff's Complaint and vacating the Order authorizing issuance of Process of Maritime Attachment and Garnishment, including reasonable counsel fees, and that Defendant be granted such other and further relief as this Court may deem to be just and proper.

Dated: June 20, 2007  
New York, NY

The Defendant,  
WESTERN BULK CARRIERS KS

By:



Kevin J. Lennon (KL 5072)  
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Attn: James H. Hohenstein, Esq.  
Lissa D. Schaupp, Esq.

**ATTORNEY'S VERIFICATION**

State of Connecticut   )  
                                          )  
County of Fairfield    )       ss.:    Town of Southport

1.     My name is Kevin J. Lennon.

2.     I am over 18 years of age, of sound mind, capable of making this

Verification, and fully competent to testify to all matters stated herein.

3.     I am an attorney in the firm of Lennon, Murphy & Lennon, LLC, attorneys for the Defendant.

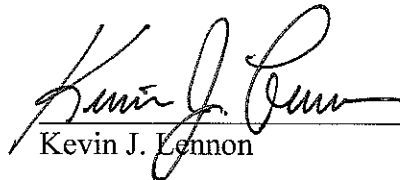
4.     I have read the foregoing Verified Answer and know the contents thereof and believe the same to be true and accurate to the best of my knowledge, information and belief.

5.     The reason why this Verification is being made by the deponent and not by the Defendant is that the Plaintiff is a business organization with no officers or directors now within this District.

6.     The source of my knowledge and the grounds for my belief are the statements made, and the documents and information received from, the Defendant, its solicitors and/or other agents and representatives of the Plaintiff.

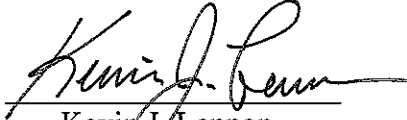
7.     I am authorized to make this Verification on behalf of the Defendant.

Dated:       Southport, CT  
              June 20, 2007

  
Kevin J. Lennon

**AFFIRMATION OF SERVICE**

I hereby certify that on June <sup>26</sup>~~19~~, 2007, a copy of the foregoing **VERIFIED ANSWER** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.

  
Kevin J. Lennon